IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 354 (SS) OF 2006

Arvind Kumar,
S/o Satya Pal Singh ,
R/o 155, Chavmandi, Roorkee,
District Haridwar. .....Petitioner.

Versus

1. State of Uttaranchal, through the Secretary, Nagar Vikas Dehradun, Uttaranchal.
2. Executive Engineer, Uttaranchal Jal Sansthan, Roorkee, District Haridwar.
3. Uttaranchal Jal Sansthan, through its Managing Director, Uttaranchal, Dehradun. .....Respondents.

Sri C.K. Sharma, Advocate for the petitioner.
Sri Rakesh Thapliyal, Advocate for the respondents no. 2 and 3.
Learned Standing Counsel for the respondent no.1.

Dated: 10.03.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of mandamus directing the respondents to regularize the service of the petitioner on the post of Pump Operator in the department and to pay him the pay scale of Rs. 3050-4200/- per month.

Brief facts giving rise to the present writ petition are that the petitioner was engaged on the post of Sewer Pump Operator under the respondents on 05.02.1990 and he was continuously working in the Jal Kal Department, Nagar Palika Parishad, Roorkee, Haridwar.

The petitioner has submitted that after some period of engagement, his service was illegally terminated by the Nagar

Palika Parishad, Roorkee, District Haridwar against which the petitioner has approached the Labour Court and the labour Court dismissed the claim of the petitioner. Thereafter the petitioner approached the Hon'ble High Court of Judicature at Allahabad, and the Nagar Palika Parishad, Roorkee was directed to reemploy the petitioner. The petitioner is continuously working in the department and there is no complaint against him.

It has been submitted by the petitioner that from the date of his initial appointment, the petitioner is engaged as Pump Operator and still he is performing his duty as a Pump Operator.

After the transfer of the Jal Kal Department of the Nagar Palika Parishad to the Uttaranchal Jal Sansthan, the petitioner was also transferred to Uttaranchal Jal Sansthan and the service of the petitioner was regularized as Beldar not as a Pump Operator.

The petitioner has submitted that there is a much difference in the pay scale of a Pump Operator and Beldar. On which the post of Gang Man is a skilled one and Beldar is an unskilled post.

Petitioner has made a representation on 10th October, 2005 to the Executive Officer, Nagar Palika Parishad Haridwar stating therein that he may be regularized on the post of Pump operator as he is regularly working on the said post.

Mr. Rakesh Thapliyal, learned counsel for the respondents has submitted that since the petitioner is working with the Jal Sansthan, therefore, there is no occasion to represent to the Executive Officer Nagar Palika.

In view of the aforesaid facts and circumstances, the petitioner is permitted to file a representation before the

authorities concerned within a period of two weeks from the date of presentation of the certified copy of the order.

If such a representation is filed, the respondents are directed to decide the same within a period of six weeks thereafter according to rules.

Writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

10.03.2006
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